

the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by the Pyorrhine Chemical Co., from Oakland, Calif., on or about July 29, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Pyorrhine tooth powder No. 1 consisted essentially of compounds of aluminum, calcium, and magnesium, carbonate, phosphate, and sulphate, and sugar, flavored with methyl salicylate; and Pyorrhine tooth powder No. 2 consisted essentially of compounds of aluminum, calcium, and magnesium, carbonate, phosphate, and sulphate, soap, and sugar, flavored with methyl salicylate. Bacteriological examinations of the articles showed that they were not antiseptic.

It was alleged in the libel that the articles were adulterated in that they fell below the professed standard of strength under which they were sold, namely: (Cartons) "Antiseptic;" and (cans) "Antiseptic \* \* \* Germicide."

Misbranding of the articles was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Cartons, both products) "Antiseptic;" (Pyorrhine tooth powder No. 2, can) "Antiseptic \* \* \* with elements to destroy bacteria \* \* \* for the best effect of germicide;" (Pyorrhine tooth powder No. 1, can) "Antiseptic \* \* \* Germicide." Misbranding was alleged for the further reason that the following statements appearing in the labeling regarding the curative or therapeutic effect of the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effect claimed: (Pyorrhine tooth powder No. 2, carton) "Prophylactic;" (can) "Prophylactic to Heal and Harden Soft Bleeding and Receding Gums Prevent Pyorrhea and Tooth Decay \* \* \* Is a prophylactic of highest possible quality \* \* \* with elements to \* \* \* heal and harden tender bleeding gums. Effective Aid in Preventing Pyorrhea;" (Pyorrhine tooth powder No. 1, carton) "For Tender Gums \* \* \* Prophylactic;" (can) "Prophylactic."

On January 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19181. Misbranding of Analgesol. U. S. v. 32 Tubes of Analgesol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27657. I. S. No. 38998. S. No. 5693.)**

Examination of a drug product, known as Analgesol, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 13, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 tubes of Analgesol, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Emde Pharmacal Co., from Rahway, N. J., on or about December 4, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils, such as tar and turpentine oils, incorporated in an ointment base such as hydrous wool fat.

It was alleged in the libel that the article was misbranded in that the statements, "Whooping Cough, Laryngitis, Pharyngitis, Tonsillitis, Irritant Cough, Asthma, Bronchitis, \* \* \* Hay Fever, \* \* \* Myalgia, Angina \* \* \* Spasmodic Croup \* \* \* Relaxative Sedative," appearing on the carton label, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*